

13

CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: May 7, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Dated: May 7, 2003

By: Barbara Bryant
Barbara Bryant

Patent

Attorney's Docket No. P-088-R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

M. R. Leadbetter et al.)

Application No.: 09/847,042)

Filed: May 1, 2001)

For: GLYCOPEPTIDE PHOSPHONATE)
DERIVATIVES)

Group Art Unit: 1654

Examiner: Jeffrey E. Russel

Confirmation No. 5218

RECEIVED

MAY 12 2003

OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment indicated on the Notice of Allowance mailed on April 24, 2003, for the above-identified patent application.

This paper is being filed before payment of the issue fee.

1. Statement of Facts

Pursuant to 37 C.F.R. §1.705(b)(2), Applicants respectfully submit the following statement of the facts involved:

05/11/2003 15:00:00 00000105 500344 09847012

00.00.00 200.00 US

A. 37 C.F.R. § 1.705(b)(2)(i) and (ii)

The patent term adjustment shown on the Notice of Allowance is 51 days. Applicants respectfully submit that the correct patent term adjustment under §1.702 is 105 days.

The basis on which Applicants seek adjustment is as follows:

(a) Period of Adjustment Pursuant to 37 C.F.R. §1.703

Pursuant to 37 C.F.R. § 1.702(a)(1), the USPTO failed to mail at least one of a notification under 35 U.S.C. §132 or a notice of allowance under 35 U.S.C. §151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. §111(a). Specifically, the date of filing for this application is May 1, 2001; and the USPTO issued a first Office Action on October 16, 2002, resulting in 107 days of USPTO delay.

(b) Reduction of Period of Adjustment Pursuant to 37 C.F.R. §1.704

The period of adjustment (i.e., 107 days) has been reduced for the following two reasons:

(1) Applicants responded to a Notice to File Missing Parts more than three months after mailing of the Notice, i.e., the Notice was mailed on July 2, 2001, and Applicants response was received by the USPTO on August 4, 2001, resulting in 2 days of delay. Applicants are not contesting this period of delay.

(2) On October 16, 2002, an Office Action was mailed by the USPTO. Applicants filed a Reply and Amendment in response to the Office Action by facsimile on January 15, 2003 (i.e., within the three-month period for response). However, the filed response was never entered by the USPTO. On February 11, 2003, and again on March 6, 2003, duplicate copies of the Reply and Amendment were submitted by facsimile to the USPTO. On March 11, 2003, the response was entered and the USPTO attributed 54 days of delay to Applicants.

Applicants respectfully submit that, since a response to the Office Action was submitted to and received by the USPTO within the three-month period set forth in 37 C.F.R. §1.704 (as evidenced by Applicants' facsimile receipt), the reduction of the period of adjustment by 54 days is inappropriate.

Accordingly, this patent application is entitled to a period of adjustment of 105 days (i.e., 107 days less 2 days). Copies of the Office Action (first page showing date mailed); Reply and

Amendment and related transmittal papers (including facsimile cover pages and receipts), and the Determination of Patent Term Adjustment from the Notice of Allowance are attached hereto.

B. 37 C.F.R. §1.705(b)(2)(iii)

This patent application (and the patent issuing from this application) is not subject to a terminal disclaimer.

C. 37 C.F.R. §1.705(b)(2)(iv)

Applicants are not aware of any circumstances during the prosecution of this application that constitute a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. §1.704, except for the two days of delay discussed above relating to the response to the Notice to File Missing Parts.

D. Summary

Applicants respectfully request that the erroneous attribution of 54 days of delay to Applicants be corrected; and that the patent term adjustment be revised to show that a patent resulting from this application is entitled to 105 days of adjustment.

2. Fee Pursuant to 37 C.F.R. §1.18(e)

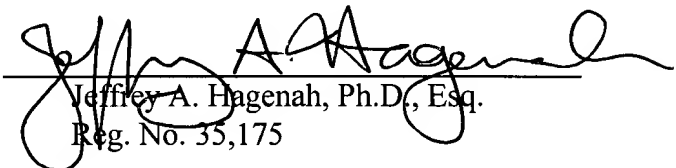
Pursuant to 37 C.F.R. §1.705(b)(1), a Fee Transmittal is enclosed authorizing the Commissioner to charge the Petition fee of \$200.00 set forth in 37 C.F.R. § 1.18(e) to deposit account 50-0344. The Commissioner is also authorized to charge any additional fees or credit any overpayment to this deposit account. The Fee Transmittal is submitted in duplicate.

Should there be any questions concerning this paper, please contact the undersigned attorney at (650) 808-6406.

Date: May 7, 2003

THERAVANCE, INC.
901 Gateway Boulevard
South San Francisco, CA 94080
Tel: (650) 808-6000 Fax: (650) 808-6078

Respectfully submitted,


Jeffrey A. Hagenah, Ph.D., Esq.
Reg. No. 35,175



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/847,042 | 05/01/2001 | Michael R. Leadbetter | P-088-R | 5218 |

27038 7590 10/16/2002
THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

EXAMINER

RUSSEL, JEFFREY E

ART UNIT PAPER NUMBER

1654

DATE MAILED: 10/16/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Patent Department
OCT 21 2002

RECEIVED
MAY 12 2003
OFFICE OF PETITIONS

COPY

Response Due 1/16/03



CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 305-3014, on the date shown below:

Dated: 1-15-03

By: Jeffrey A. Hagenah
Jeffrey A. Hagenah, Reg. No. 35,175

Patent
Attorney's Docket No. P-088-R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

MAY 12 2003

OFFICE OF PETITIONS

| | | |
|-------------------------------|---|-----------------------------|
| In re Patent Application of |) | |
| |) | |
| M. R. Leadbetter et al. |) | Group Art Unit: 1654 |
| |) | |
| Application No.: 09/847,042 |) | Examiner: Jeffrey E. Russel |
| |) | |
| Filed: May 1, 2001 |) | |
| |) | |
| For: GLYCOPEPTIDE PHOSPHONATE |) | |
| DERIVATIVES |) | |

REPLY AND AMENDMENT PURSUANT TO 37 C.F.R. §1.111

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Reply and Amendment is being filed in response to the Office Action mailed on October 16, 2002, for the above-identified patent application. In response to this Office Action, entry of the following amendments is respectfully requested:



PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|--|-----------------------------|-------------------------------|---------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/847,042 | |
| | Filing Date | May 1, 2001 | |
| | First Named Inventor | M.R. Leadbetter et al. | |
| | Group Art Unit | 1654 | |
| | Examiner Name | J. E. Russel | |
| Total Number of Pages in This Submission | 29 | Attorney Docket Number | P-088-R |

ENCLOSURES (check all that apply)

| | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | Attached are the following: Reply and Amendment (25 pages) Fee Transmittal (1 page in duplicate) Transmittal Page (1 page - this page) Facsimile Cover Page (1 page) Total Pages: 29 pages |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|--------------------------------|-------------------------------------|
| Firm or Individual name | Jeffrey A. Hagenah, Reg. No. 35,175 |
| Signature | |
| Date | January 15, 2003 |

CERTIFICATE OF TRANSMISSION

| | | | |
|---|-------------------------------------|-------------|------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 305-3014, on this date: January 15, 2003 | | | |
| Typed or printed name | Jeffrey A. Hagenah, Reg. No. 35,175 | | |
| Signature | | Date | January 15, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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DA C

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|----------------------|-------------------------|---------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/847,042 | |
| | Filing Date | May 1, 2001 | |
| | First Named Inventor | M. R. Leadbetter et al. | |
| | Group Art Unit | 1654 | |
| | Examiner Name | Jeffrey E. Russel | |
| Total Number of Pages in This Submission | 42 | Attorney Docket Number | P-088-R |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition* <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard |
| <div>RECEIVED MAY 12 2003 OFFICE OF PETITIONS</div> | | |
| Remarks *Included in this application (petition) for patent term adjustment are the following: Petition (3 pages); copy of first page of Office Action (1 page); copy of Reply and Amendment (30 pages); copy of Feb. 11, 2003 Facsimile Cover (2 pages); copy of March 6, 2003 Facsimile Cover (2 pages); copy of Determination of Patent Term Adjustment (1 page); Fee Transmittal (1 page in duplicate); and this Transmittal Sheet (1 page). Total Pages = 42. | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|-------------------------------------|
| Firm or Individual name | Jeffrey A. Hagenah, Reg. No. 35,175 |
| Signature | |
| Date | May 7, 2003 |

| CERTIFICATE OF EXPRESS MAILING | | | |
|--|----------------|------|-------------|
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 (Express Mail Label No. EV 226054749 US) and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Washington, D.C. 20231 on: May 7, 2003 | | | |
| Typed or printed name | Barbara Bryant | | |
| Signature | | Date | May 7, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 42**Complete if Known**

| | |
|----------------------|-------------------------|
| Application Number | 09/847,042 |
| Filing Date | May 1, 2001 |
| First Named Inventor | M. R. Leadbetter et al. |
| Examiner Name | J. E. Russel |
| Group / Art Unit | 1654 |
| Attorney Docket No. | P-088-R |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
50-0344Deposit Account Name
Theravance, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|---------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) 0 |

2. EXTRA CLAIM FEES

| | Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|--------------|----------------|----------|
| | 52 | -54 ** = 0 | X 0 | = 0 |
| Independent Claims | 4 | -3 ** = 1 | X 42 | = 42 |
| Multiple Dependent | | | X | = 0 |

| Large Entity | | Small Entity | | Fee Description |
|-----------------------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) 42 | | | | |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 0

SUBMITTED BY**Complete (if applicable)**

| | | | | | |
|-------------------|--------------------|---------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Jeffrey A. Hagenah | Registration No. Attorney/Agent | 35,175 | Telephone | (650) 808-6406 |
| Signature | | | | Date | January 15, 2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 200**Complete if Known**

Application Number 09/847,042

Filing Date May 1, 2001

First Named Inventor M. R. Leadbetter et al.

Examiner Name Jeffrey E. Russel

Group / Art Unit 1654

Attorney Docket No. P-088-R

RECEIVED

MAY 12 2003

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☒ Deposit Account:Deposit
Account
Number

50-0344

Deposit
Account
Name

Theravance, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) 0 |

2. EXTRA CLAIM FEES

| | | | | | | | | |
|--------------------|--|--------|---|---|---|--|---|---|
| Total Claims | | -20 ** | = | 0 | X | | = | 0 |
| Independent Claims | | -3 ** | = | 0 | X | | = | 0 |
| Multiple Dependent | | | | | X | | = | 0 |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
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| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid | |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$) 0 |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
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| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) Fee for Filing an application for patent term adjustment specified in 1.18(e) Fee Code 1455

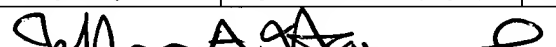
200

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 200

SUBMITTED BY**Complete (if applicable)**

| | | | | | |
|-------------------|---|----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Jeffrey A. Hagenah | Registration No. Attorney/Agent) | 35,175 | Telephone | (650) (808)-6406 |
| Signature |  | | | Date | May 7, 2003 |

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